

SINGLE BENCH

C 8.1001

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 4969 /2005

(Petition under Article 226/227 of the Constitution of India)

PETITIONER :

Ajab Singh Thakur, aged about 51 yrs
S/o Kosho Singh Thakur at present
working as a Asstt. Teacher, Primary
Girls School, Rajnagar, Bikas
Development, Bakawand, Distt. Bastar,
C.G., R/o village Mohali, Tahsil
Jagadalpur, Distt. Bastar, C.G.

3251/05
Presented by Vishnu Kosher
dated 6/10/05

VERSUS

RESPONDENTS :

- (1) State of Chhattisgarh, through the
Secretary, School Education
Department, D.K.S. Bhawan, Raipur
(C.G.)
- (2) The Director, Public Education, Raipur,
Distt. Raipur (C.G.)
- (3) The District Education Officer, Bastar at
Jagadalpur, Distt. Bastar, C.G.
- (4) The Collector at Jagadalpur, Distt.
Bastar, C.G.
- (5) Principal, Primary Girls School,
Rajnagar, Bakawand, Distt. Bastar,
C.G.
- (6) Principal, Primary School, Kukanar,
Bikas Development, Darbha, Distt.
Bastar, C.G.



RECEIVED-COPY
6.10.05
CLERK to H. C. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE
WRIT OF MANDAMUS/ CERTIORARI, ORDER/ORDERS,
DIRECTION/DIRECTIONS ETC.

43

Ajab Singh Thakur

Versus

State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents.

(Passed on this 1st. day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Primary Girls School, Rajnagar, District - Baster was transferred to Kukanar, Block - Darbha, on the same terms and conditions vide impugned transfer order dated 16.9.2005 (Annexure P/4), within the same district.
2. This Court vide interim order dated 7.10.2005 stayed the effect and operation of the impugned transfer order. By virtue of the interim order, the petitioner has continued at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. Consequently, M(W)P No. 4969/2005 also disposed of. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge